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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the audit and investigation of the International Tribunal for the Former Yugoslavia (A/54/120);

(b) Report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/54/395);

(c) Report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/54/518 and Corr.1);

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(d) Note by the Secretary-General on the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/C.5/54/30);

(e) Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed requirements of the International Tribunal for the Former Yugoslavia for 2000 (A/54/645).

3. The Fifth Committee considered the item at its 45th, 46th and 48th meetings, on 10, 13 and 17 December 1999. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/54/SR.45, 46 and 48).

II. Consideration of draft resolution A/C.5/54/L.25

4. At its 48th meeting, on 17 December, the representative of Pakistan, Vice-Chairman of the Committee and coordinator of the informal consultations on the item, introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/54/L.25).

5. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.25 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which was resolution 53/212 of 18 December 1998,

Taking note of the budget performance report of the Tribunal for 1998[3] and the comments of the Advisory Committee thereon,

[1] A/54/518 and Corr.1.
[2] A/54/645.
[3] A/54/395.

1. *Deeply regrets* the delay in the submission of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] as well as the failure to submit to it the report of the expert review group on the effective operation and functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, as requested in its resolution 53/212;

2. *Notes* with concern that, owing to the late submission of the report on the financing of the Tribunal, the General Assembly did not have adequate time to properly consider it;

3. *Requests* that future reports on the financing of the Tribunal be submitted by 1 October of the year in which they are considered;

4. *Requests* the Secretary-General to issue, as a matter of priority, the report of the expert review group in the six official languages of the United Nations;

5. *Also requests* the Secretary-General to obtain comments and observations from the Tribunal on the report of the expert review group, and to submit them, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly for consideration at its resumed fifty-fourth session;

6. *Further requests* the Secretary-General to further improve the workload indicators and to use them, as much as possible, as the basis for supporting the resources requested in the budget estimates;

7. *Approves* the recommendations of the Advisory Committee[4] on the report of the Secretary-General on conditions of service for the judges of the Tribunals[5] concerning the establishment of a lump-sum payment for survivors of the judges;

8. *Also approves* the budgetary recommendations of the Advisory Committee, as contained in paragraph 77 of its report,[2] subject to the provisions of the present resolution;

9. *Decides* to appropriate, on a provisional basis, subject to further review at its resumed session, to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, a total amount of 106,149,400 United States dollars gross (95,942,600 dollars net) for the year 2000;

10. *Also decides* that the financing of the appropriation for the year 2000 under the Special Account shall take into account the amount of 2,740,700 dollars gross (2,578,100 dollars net), being the unencumbered balance for 1998, the estimated unencumbered balance of 8,200,000 dollars gross and net from the appropriation for 1999 and the estimated income of 5,200 dollars for 2000, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. *Further decides* to apportion the amount of 47,601,750 dollars gross (42,582,250 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2000;

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[4] A/54/646, para. 75.

[5] A/C.5/54/30.

12. *Decides* to apportion the amount of 47,601,750 dollars gross (42,582,250 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 2000;

13. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 10,039,000 dollars approved for the Tribunal for the year 2000;

14. *Welcomes* contributions already made to the Voluntary Fund to support the activities of the Tribunal. and invites Member States and other interested parties to make further voluntary contributions to the Tribunal;

15. *Decides* to continue consideration of this agenda item during its resumed fifty-fourth session.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Appropriation for the year 2000	106 149 400	95 942 600
Less:		
Estimated unencumbered balance for the year 1999	(8 200 000)	(8 200 000)
Unencumbered balance for the year 1998	(2 740 700)	(2 578 100)
Estimated income for the year 2000	(5 200)	-
Balance to be assessed for the year 2000	95 203 500	85 164 500
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2000	47 601 750	42 582 250
Contributions assessed on Member States in accordance with the scale of assessments applicable to the peacekeeping budget of the United Nations for the year 2000	47 601 750	42 582 250